

1. On December 19, 2013, Claimant's AHR submitted an MA application with a request for retroactive MA benefits to September 2013.
2. On March 25, 2014, the AHR filed a request for hearing alleging that the Department had failed to process the application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, the Department must register an application with the minimum information required under Department policy. BAM 110 (July 2013), p. 7. The date of application is the date the local office receives the required minimum information on the application or a filing form. BAM 110, p. 5. Once an application is registered, the Department must certify eligibility results for each program requested within the applicable standard of promptness (SOP). BAM 115 (July 2013), p. 1. The SOP is 90 days for an application involving MA in which disability is an eligibility factor, with this date being extended in 60 day intervals by deferral by the Medical Review Team. BAM 115 (July 2013), p. 16. Retroactive MA coverage is available back to the first day of the third calendar month prior to the current or most recent application for MA applicants. BAM 115 (July 2013), pp. 11-12.

In this case, the AHR contends that it submitted an MA application to the Department on Claimant's behalf on December 19, 2013, with a request for retroactive MA coverage to September 2013. With its request for hearing, the AHR presented a Fed Ex confirmation sheet showing that a package was sent to the Department on December 18, 2013, and signed as received by a Department employee on December 19, 2013. The evidence presented, an application signed by Claimant on September 12, 2013; a release signed by Claimant on September 12, 2013, authorizing the AHR to obtain information on Claimant's behalf; and a cover letter dated December 16, 2013, signed by the AHR indicating that an application, among other documents, was included in the FedEx package, as well as the AHR's testimony explaining that it often waited to send in an application to assist in establishing the duration element of a disability, supported the AHR's testimony that the FedEx package sent to the Department contained Claimant's application. The Department denied receiving Claimant's application until March 28, 2014, when, in connection with the AHR's March 25, 2014, hearing request, it requested a copy of the application from the AHR and received via fax a copy of the application signed by Claimant on September 12, 2013. However, it confirmed that the employee who signed the FedEx package from the AHR on December 19, 2013, worked in the local office mail room. Based on the evidence presented, the AHR established that it filed an MA application for Claimant on December 19, 2013, with an application for retroactive coverage to September 2013.

Because the Department did not timely process the December 19, 2013, application and request for retro coverage to September 2013, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process the application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register Claimant's application effective December 19, 2013, with request for retroactive coverage to September 2013;
2. Process the application;
3. Provide Claimant with MA coverage she is eligible to receive from September 1, 2013, ongoing; and
4. Notify Claimant and the AHR in writing of its decision.



Alice C. Elkin

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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